

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Carlos Rosario Jr

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

SANTANDER CONSUMER USA

COMPLAINT

Do you want a jury trial?

Yes  No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

**Federal Question**

**Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Fair Debt Collection Practice Act (15 USC 1692) Truth in Lending Act (15 USC 1601)

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### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

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(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_

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If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of  
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of

the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Carlos

First Name

Rosario Jr

Last Name

1679 Popham ave Apt#2B

Street Address

Bronx

County, City

NY

State

10453

Zip Code

347 957 9283

Telephone Number

Carlos Rosario 445@GMAIL.COM

Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

<u>Santander Consumer USA</u>	
First Name	Last Name
Current Job Title (or other identifying information)	
<u>1601 ELM ST Suite 800</u>	
Current Work Address (or other address where defendant may be served)	
<u>Dallas,</u>	<u>TX</u>
County, City	State
<u>75201</u>	
Zip Code	

Defendant 2:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State
<u>Zip Code</u>	

Defendant 3:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State
<u>Zip Code</u>	

## Defendant 4:

First Name	Last Name	
Current Job Title (or other identifying information)		
Current Work Address (or other address where defendant may be served)		
County, City	State	Zip Code

**III. STATEMENT OF CLAIM**

Place(s) of occurrence: \_\_\_\_\_

Date(s) of occurrence: 6/3/2022, 6/22/2021, 9/17/2018, 03/28/2022**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

On September 17<sup>th</sup> 2018, I had entered a Consumer Credit transaction Pursuant to the (Federal Truth In Lending Act) in Performance Toyota to obtain a Vehicle, I was NOT Provided with full disclosure but instead Mislead. On the 11<sup>th</sup> of February of 2022, I sent Certified Mail a debt validation letter to Santander Consumer USA also attached with Cease and desist and an opportunity to cure. My Vehicle was first repossessed on the ~~20~~ 22<sup>nd</sup> of March June of 2021. I was able to recover my property. March 28<sup>th</sup>, 2022 I sent Certified Mail a Copy of Notice of Rescission to both Parties, SANTANDER Consumer USA and Performance toyota Exercising my rights Pursuant to

The truth in Lending Act. June 3<sup>rd</sup>, 2022 My Vehicle was repossessed again, I was Coerced into Payment, Violating My Rights under the Fair Dept Collection Practice Act.

**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I Could not apply for a loan of a vehicle due to Santander furnishing my consumer report, I could not apply for an apartment, I Could not travel due to my vehicle being seized, I lost my job.

**IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

1,000 dollars Per Fair Dept Collection Practice Act Violations (15 USC 1692), All payments ever made be returned to me the Consumer (15 USC 1692h), Pay Invoice sent September 19, 2022.

## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

11/22/2022



Dated

Carlos

Plaintiff's Signature

First Name

Middle Initial

Last Name

1679 Popham ave Apt 2B

Street Address

Bronx,

NY

10453

County, City

State

Zip Code

347 957 9283

Carlos Rosario 445@GMAIL.COM

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes  No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.